

Remarks

This is in response to the final Office Action mailed on September 22, 2004. Claims 1 and 31-33 are amended, support for the amendments being found, for example, at page 3, lines 16-24. No new matter is entered. Claims 1-33 and 35 remain pending. Reconsideration and allowance are respectfully requested in view of the amendments and remarks provided herein.

I. Claims 1-32

In section 3 of the Office Action, claims 1-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by Turk et al., U.S. Patent No. 6,415,271 ("Turk 3"). This rejection is respectfully traversed, and reconsideration is requested in view of the following remarks.

A. Portions of Turk 3 Do Not Qualify as Prior Art under Section 102(e)

The subject matter disclosed by Turk 3 qualifies as prior art as of its filing date of March 26, 1999. Turk 3 is a continuation-in-part of U.S. Patent Nos. 5,983,207 ("Turk 2") and 5,671,364 ("Turk 1"), the disclosed subject matter of which qualifies as prior art as of the filing dates of August 26, 1997 and June 5, 1995, respectively.

The rejection cites column 8, lines 11-16 and column 3 lines 21-32 of Turk 3 as disclosing a means for encoding a data item into a plurality of parts, the parts being separately stored in the storage means, as recited by claim 1. However, it is respectfully noted that these cited sections of Turk 3 are not disclosed in Turk 1 and Turk 2.

Turk 3 has a filing date (March 26, 1999) after the priority date of the present application (January 16, 1998). It is therefore respectfully suggested that these cited sections of Turk 3 are not available as prior art with respect to the present application. See MPEP 706.02(f)(1) ("The subject matter used in the rejection must be disclosed in the earlier-filed application . . . in order for the subject matter to be entitled to the earlier filing date under 35 U.S.C. 102(e).") Reconsideration and removal of the rejection based on Turk 3 are respectfully requested.

B. Claims 1-32 are Allowable over Turk 1, Turk 2, and Turk 3

Claim 1 is directed to a digital data depository including, among other limitations, means for encoding the data item into a plurality of parts, the parts being separately stored in the storage means, and means for decoding the encoded data item to retrieve the data item from the

separately stored parts, whereby the data item is retrievable even if some of the parts are lost or corrupted.

There are advantages associated with the digital data depository including means for encoding data items into a plurality of separately stored parts, and means for decoding the encoded data item to retrieve the data item from the separately stored parts, whereby the data item is retrievable even if some of the parts are lost or corrupted, as recited by claim 1. For example, such a depository can increase data reliability and decrease data loss, thereby minimizing problems associated with the storage of data found in conventional computers and servers. See generally pages 1-3 of the present application.

Turk 1-3 disclose systems and methods to allow a commodity, such as gold, to be circulated as digital cash through a global computer network and/or private communications network. However, Turk 1, Turk 2, and Turk 3 all fail to disclose or suggest means for decoding the encoded data item to retrieve the data item from the separately stored parts, whereby the data item is retrievable even if some of the parts are lost or corrupted, as recited by claim 1.

Reconsideration and allowance of claim 1, as well as claims 2-30 that depend therefrom, are therefore respectfully requested for at least these reasons.

Claim 31 is directed at a method of storing digital data items. Although claim 31 is different in scope from claim 1, claim 31 includes limitations similar to those noted above with respect to claim 1. For example, claim 31 recites encoding a data item into a plurality of parts and storing the parts separately in said data storage means, and decoding the data item to retrieve the data item from the separately stored parts, whereby the data item is retrievable even if some of the parts are lost or corrupted. Therefore, claim 31, as well as claim 32 that depends therefrom, is allowable for at least similar reasons to those provided above with respect to claim 1. Reconsideration is requested.

II. Claims 33 and 35:

In section 4 of the Action, claims 33 and 35 were rejected under section 102(e) as being anticipated by Carroll, U.S. Patent No. 6,105,131. This rejection is respectfully traversed.

Claim 33 is directed to a method of protecting digital data, wherein storage of the item includes encoding the item into a plurality of parts and storing the encoded parts separately in the data storage means, and retrieval of the item includes decoding the encoded item to retrieve the

item from the separately stored parts, whereby the item is retrievable even if some of the parts are lost or corrupted.

Carroll discloses a secure server and method of operation for a distributed information system. Carroll discloses use of encryption techniques, digital signatures, and digital certificates. Carroll, col. 5, ll. 53-55 and col. 6, ll. 6-11. These techniques are employed by Carroll to secure the disclosed network from unauthorized access (see, for example, col. 1, l. 58 - col. 2, l. 8), rather than to improve the reliability of the data that is encrypted.

Carroll fails to disclose or suggest decoding the encoded item to retrieve the item from the separately stored parts, whereby the item is retrievable even if some of the parts are lost or corrupted, as recited by claim 33. Reconsideration and allowance of claim 33, as well as claim 35 that depends therefrom, is respectfully requested.

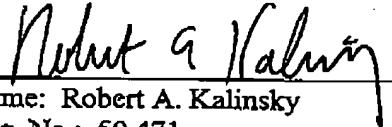
III. Conclusion

The remarks set forth above provide certain arguments in support of the patentability of the pending claims. There may be other reasons that the pending claims are patentably distinct over the cited references, and the right to raise any such other reasons or arguments in the future is expressly reserved.

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. Please contact the undersigned attorney with any questions regarding this application.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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Name: Robert A. Kalinsky
Reg. No.: 50,471
RAK